

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

STATE OF MISSISSIPPI

PLAINTIFF

V.

NO: 3:23-CV-16

DANNY LEON HOLEYFIELD

DEFENDANT

ORDER OF REMAND

Defendant Danny Leon Holeyfield filed a notice of removal of this state criminal case on January 17, 2023. (ECF No.1). Defendant alleges federal jurisdiction under 28 U.S.C. §§ 1446, 1443, 1331, and 1367. On February 1, 2023, Magistrate Judge Percy issued an Order to Show Cause detailing reasons none of these statutes provides federal jurisdiction over this state criminal case and requiring Defendant to show cause no later than February 15, 2023, why this case should not be remanded to the Circuit Court of Desoto County, Mississippi.

Defendant timely responded to the Order to Show Cause. (ECF No. 8). In his response, Defendant fails to address the jurisdictional question in any meaningful way. Instead, Defendant describes dissatisfaction with the Desoto County Circuit Court and the counsel appointed to represent him in the state court proceedings; attempts to challenge the validity of his arrest; and states that he is claiming a civil rights issue. (ECF No. 8). None of this affects the jurisdictional analysis detailed in the Order to Show Cause. To the extent Defendant wishes to bring a civil rights claim, removal of a state criminal action is not a proper vehicle for such a claim, and he must do so through a separate civil action.

For the reasons stated in the Order to Show Cause, the Court finds it clear on the face of the notice of removal and exhibits that removal should not be permitted and that the Court must summarily remand the case. *See* 28 U.S.C. § 1455(b)(4).

ACCORDINGLY, IT IS ORDERED:

This case is **REMANDED** to the Circuit Court of Desoto County, Mississippi.

SO ORDERED, this the 16th day of February, 2023.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI